

REMARKS

I. Introduction

Claims 1-10 and 12-27 were presented for examination and were rejected. By this amendment, applicants have amended claims 1 and 10 to make minor wording changes. Reconsideration and allowance are respectfully requested.

II. Rejections based on Shintani et al. (2002/0124249)

The examiner rejected claims 1, 3-9, 11-13, and 15-19 as being anticipated by Shintani et al. ("Shintani"). The examiner further rejected claims 2 and 14 as being unpatentable over Shintani in view of a patent to Dunn; claims 4, 5, 16-18, 22, and 26 as being unpatentable over Shintani in view of a publication to Schoff; and claim 10 as being unpatentable over Shintani in view of a patent to Bolnick.

Applicants disagree that the claims were anticipated by Shintani, or that they would have been obvious over Shintani itself or in combination with the other cited references.

For a long time, it has been possible to record television programs to some medium such as tape, or more recently to a hard drive device. The broadcast signal that is recorded can have elements of a television program, but can also include advertising, and other inserted graphics, facts, or other content inserted at the head end (such as statistics or facts during a sporting event). Together, these pieces become part of the program broadcast from the head end. When one replays the program from the storage medium, the signal that was received and recorded is played back the same way it was received.

Shintani relates to providing targeted advertising, and has embodiments relating to inserting advertising as a program is being broadcast, and also for use during playback of a recorded program. In each case, the system relies on a user profile that is generated about a user to try to better target the advertising that is delivered to that user.

The examiner cites paragraphs 46-48 of Shintani as disclosing the idea of receiving and storing interactive content from a server system separately from the broadcast of the broadcast

event and not embedded in the broadcast event signal. The examiner states that Shintani discloses “advertisements sent and stored [are] merged with the broadcasted content.” In paragraph 48, Shintani actually says that the “media server 12 then merges the advertisements selected by the advertising server 66 with the content from the media database 14 at 330 and delivers the content, including embedded target advertisements to the user at 334” (emphasis added). Thus it is clear that the system at the user end would not receive and store interactive content from a server system separately from the broadcast of the broadcast event and not embedded in the broadcast event signal, as required in claim 1, and is also unlike claim 13, which requires that a PIR causes to be stored interactive content relating to the broadcast event and received over a separate channel from the broadcast event at the time of the broadcast event. For at least this reason, claims 1 and 13 are not anticipated by Shintani, and the other cited references do not provide this feature and are not identified for providing this feature.

The examiner focuses mainly on the second embodiment of Shintani, beginning at paragraph 49, which relates to a “scenario wherein the user is playing back recorded content.” As described at paragraph 50, when a user elects to play back a selection, the set top box notifies the service provider of the play back and provides the service provider with information as to the content begin played back as well as information about the advertisements being played back. Various information is then used, including a user profile and possibly other information such as the time of day to cause ads to be downloaded to the set top box and merged with the content viewed dynamically during playback or by modifying the stored content to insert new advertisements. The “time of day” feature allows the system to provide ads for coffee in the morning or fast food in the evening (see Table I after paragraph 52). What is played back is intended to be different from what was played during the broadcast. This is another difference from the claims of the present invention. While claim 1 states that there is a step of playing back the broadcast event from storage such that when the broadcast event is played back from storage the PIR provides to the user the interactive content at times during the stored broadcast event when such interactive content would have been displayed when the event was being broadcast, Shintani tries to replace the advertising with different advertising. Instead of replicating the user experience at the time of broadcast, Shintani is altering that user experience, at least with respect to the advertisements that are delivered.

In the second embodiment, Shintani states that the advertising can be altered by altering what is stored or by dynamically inserting new advertising during playback. In either case, this new content can be provided over a separate channel as set out in paragraph 51, but it does not provide a means or mechanism for providing interactive content over a separate channel at the time of the broadcast. This is still another difference from the method set out in claim 1.

It should be apparent from the foregoing that the system of Shintani and the system and method of the present invention are quite different in how they store and play back content.

The examiner might note that the present application has references to targeted advertising, which is also the general subject of the Shintani reference. However, in the portions of the application that focus on the interactivity recorder and playing back functionality (mainly, the description of Figure 8), targeted advertising is not a particular focus of this aspect of the invention, although there could be ways of implementing targeted advertising using the system and method of the present invention versus the different method that is used by Shintani.

For the multiple reasons identified above, including the use of different channels for interactive content, providing interactive content not embedded in the broadcast event signal, playing back the content that was previously stored, and associating that other content with particular times during the broadcast, claim 1 is not anticipated by Shintani. The other cited references do not provide these features and are not cited for such features.

Independent claim 13 also states that the interactive content is received over a separate channel at the time of the broadcast event, the PIR associates the interactive content with the broadcast event, and on playback, that interactive content is provided during times of the stored broadcast event when it would have been displayed. For the reasons identified above, neither Shintani nor the other cited references discloses the invention of claim 13.

In addition, there are other differences in dependent claims. For example, with respect to claim 11, the examiner states that Shintani teaches that the broadcast event and interactive content are sent over different channels or transmission, citing paragraphs 26 and 50. It is believed that the examiner may have meant to refer to paragraph 51, which states that any available communication avenue between a set top box and service provider can be used. In this

case, however, the content is being provided at a later time from the broadcast and when the user has decided to play back a stored broadcast. With respect to paragraph 26, this is a general paragraph referring to the ability of a set top box to be coupled to an independent service provider host or to provide data through other means, but does not relate directly to the method of targeted advertising that is described later. In fact at paragraphs 47 and 48, it is made clear that the media server merges the advertising with the content. With respect to dependent claims 3 and 15, the examiner notes that Shintani teaches temporal association using time codes or frame sequence numbers, and identifies paragraphs 54 and 55. It is not apparent where this association is provided, although elsewhere in Shintani, it is stated that the new content can then be used to displace the old content at certain times, although this is contrary to what is taught and claimed in claims 1 and 13.

The examiner also rejects claims 4, 15, 16, 18, 22, and 26 over Shintani in view of Schoff. The examiner states that Schoff teaches the use of interactive such as trivia questions and polls. The examiner then concludes that it would have been obvious to combine this with Shintani to enhance the client's viewing ability and provide personal services to the user. Even if this were the case, there is no suggestion that one would implement the recording and playing back functionality as described in the present invention and in claims 1 and 13 in order to achieve the interactivity. In fact, Shintani recognizes the ability to have bidirectional communication (see paragraph 32) and yet focuses on targeted advertising performed in a way that is different from claims 1 and 13. Thus, even if one were to provide interactivity such as trivia questions, there is no reason to believe that it would be accomplished in the manner claimed in claims 1 and 13.

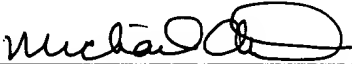
III. Conclusion

All claims should now be in condition for allowance, and accordingly a notice of allowance is respectfully requested. If there are any remaining issues, the examiner is urged to contact applicant's attorney at the telephone number listed below.

Please charge any fee or credit any excess that may be due in connection with this matter to our deposit account No. 08-0219, and please consider this a request for any extension fee that may be due in connection with this matter.

Respectfully submitted,

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Michael A. Diener
Registration No. 37,122
Attorney for Applicant

Wilmer Cutler, Pickering
Hale and Dorr LLP
60 State Street
Boston, Massachusetts 02109
Tel: (617) 526-6454
Fax: (617) 526-5000